

Letter of the Law

The Monthly Newsletter from
San Bernardino County District Attorney
Michael A. Ramos

July 2011



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FEATURED RESOURCES



For more information on how to get involved with the Coalition Against Sexual Exploitation, [click here](#).

RECENT PRESS RELEASES

6-29-2011: [DA Ramos Elected to Represent the State of California](#)

6-23-2011: [San Bernardino Woman Arrested for Worker's Compensation Fraud](#)

6-13-2011: [DA Files Multiple Charges Against Gastineau and Anguiano in Explorer Case](#)

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Witnesses for the San Bernardino County District Attorney's Office Capture Award at Statewide Event



From left to right: Deputy District Attorney Jim McGee, Henry Ramirez, Joseph Ramirez, and District Attorney Michael Ramos pose after the Patricia Lewis Witness of the Year Award Ceremony in San Diego, June 21.

SAN DIEGO, Calif. – Henry and Joseph Ramirez, both of San Bernardino, received the 2011 Patricia Lewis Witness of the Year Award Tuesday, June 21.

The Award, presented by the California District Attorneys Association, is named after Patricia Lewis, a South-Central Los Angeles woman who testified about a street gang murder in 1982.

Both Henry and Joseph Ramirez received the award based on their testimony last year in the murder trial of their younger brother, 11-year-old Anthony Ramirez.

"The courage exhibited by these two young men was an inspiration to the public as well as the legal and law enforcement community here in San Bernardino," said Deputy District Attorney Jim McGee, who was the lead prosecutor of the case.

On June 21, 2006, Defendant James Bagsby, then 15, after spending the afternoon drinking and smoking marijuana with his fellow gang members, approached the Ramirez brothers and a group of their friends who were playing basketball at Martin

Luther King Middle School in San Bernardino.

Bagsby and a fellow gang member asked, "Where are you from?" and "Do you gang bang?" After the children replied, "We don't bang," the two gang members walked away and the boys returned to their game.



Deputy District Attorney Jim McGee speaks before members of the California District Attorneys Association about the courage of Henry and Joseph Ramirez.

Moments later, Bagsby pulled a handgun out from his waistband and fired eleven shots at the group of children on the basketball court. Anthony, who was struck once in the back, died less than an hour later at the hospital.

The trial started on March 15, 2010, and lasted an entire month. While many of the children present that day testified, according to prosecutors, it was the testimony of Henry and Joseph Ramirez that "touched everyone who heard it."

"Through their pain and courage," said McGee, "Bagsby was convicted of second degree murder with use of a firearm and ten counts of assault with a firearm and was sentenced to 107 years-to-life in prison."

In a brief acceptance speech, both boys dedicated their awards to the memory of their murdered brother Anthony Ramirez.

A short video segment is available on the San Bernardino County District Attorney's YouTube Channel at <http://www.youtube.com/user/sbcountyda>.

DA Ramos Delivers Keynote Address at Second Annual Substance Abuse & Violence Policy Conference

ONTARIO, Calif. – District Attorney Michael Ramos was among the keynote speakers at the second annual Southern California Substance Abuse and Violence Policy Conference June 14. The two-day conference took place at the Ontario Convention Center and focused on building community through policy and prevention.

CONVICTIONS

EDUARDO GOMEZ GOMEZ, 23, and CESAR ROBERTO RODRIGUEZ, 26, both members of the Sinaloa Mexican drug cartel, were convicted by Victorville Major Crimes Prosecutor Robert Brown in the execution double murder of two rival drug dealers whose bodies were found in their car on Highway 395 in Victorville in 2009. Both defendants will be sentenced to life without parole.

REGINALD CHRISTOPHER, 47, who had just been paroled after 26 years for rape, robbery, and kidnapping, was convicted by Rancho Cucamonga Prosecutor Karen Schmauss for pimping, and lewd acts and oral copulation of a child under 14. Reginald was sentenced to 330 years to life in state prison.

TITO PEREZ, JR., 19, was convicted by San Bernardino Prosecutor Denise Yoakum of the Hard Core Gang Unit for a gang-related retaliation murder that took place outside a party. Perez will be sentenced to 50 years to life in prison.

In his speech, Ramos highlighted the importance of a community-wide collaboration to combat issues directly related to substance abuse and violence.

"Now more than ever, it's so important, especially now during these tough economic times, that we have a collaborative approach," said Ramos, "because government can't do it all. We need private help. We need help from the non-profit sector, and we need the faith-based community."



District Attorney Michael Ramos addresses the need for a collaborative approach to stopping violence and substance abuse at the second annual Southern California Substance Abuse and Violence Policy Conference June 14.

Citing nearly 30 years experience, Ramos pointed out that as DA and a former prosecutor for 13 1/2 years, in "just about 98 percent of all the cases" he tried, they were all somehow "touched by either drugs or alcohol in some form or another."

To combat some of these issues the District Attorney's Office implemented several suppression and prevention programs and policies.

From the "[Let's End Truancy Program](#)," which seeks to reach truant students before they become involved in the criminal justice system, to special gang injunctions, Ramos admitted making significant progress.

"Right now we lead the State of California per capita in state prison commitments and convictions of gang members. Since 2005, we have prosecuted over 6,000 gang members. Four thousand plus have gone to state prison for over 25,000 years combined with 106 life terms, so our numbers are tremendous."

In closing, Ramos said: "Prevention and intervention--it's absolutely key. If we're ever going to be successful at stopping violence and substance abuse, we have to do it together. We have a lot of work to do, but as the district attorney I am going to continue to fight for the citizens of San Bernardino County."

Bureau of Investigation Chief Presents New Training at CDAA



SAN DIEGO, Calif. – Bureau of Investigation Chief Mike Smith presented a new Chief Investigator's Orientation and Training on June 21 at the California District Attorneys Association's (CDAA) Summer Conference in San Diego.

The training, implemented by Smith, was a two-day course intended to provide elements of success for newly appointed or soon-to-be chiefs.

The idea, according to Smith, originated shortly after District Attorney Michael Ramos was sworn in as president at the CDAA 2010 Summer Conference. Ramos and Smith pointed out that as new chiefs arrive in their positions, the fact that they come from very different backgrounds can present possible challenges.

"Up until this point," said Smith, "there had never been any coordinated training or orientation for new chiefs, so it was created with the idea of providing them with the necessary tools and information to be successful."

DDA Kevin Smith Testifies Before Congress on Islamic Radicalization in U.S. Prisons



Deputy District Attorney Kevin Smith testifies before Congress about the radicalization in our nation's prison population June 15. PHOTO COURTESY: C-SPAN

WASHINGTON, D.C. – Deputy District Attorney Kevin Smith from the Fontana Criminal Unit had the distinction of testifying before Congress June 15 to examine radicalization in the nation's prison populations.

Smith, along with other former and current law enforcement officials from New York and California, testified about specific cases in which radicalized prisoners upon release planned and launched attacks or attempted to join overseas Islamic terrorist organizations.

Their testimony also included a discussion on the current severity of the problem and how to better identify radicalization in prisons.

"I was asked to testify because when I was an Assistant U.S. Attorney," said Smith, "I was the lead prosecutor in which four individuals were charged and ultimately convicted of conspiring to wage a war of terrorism against the United States by murdering U.S. military personnel and Jewish persons in Southern California."

The case dates back to 1997. Kevin James, the conspiracy's leader, was an inmate in the California prison system that had created a group in prison known as Jamiyyat Ul Islam Is Saheeh (JIS).

According to Smith, James tasked another inmate, Levar Washington, who joined JIS and swore an oath of loyalty to James in prison, to recruit other individuals outside of prison to engage in jihad.

Another reason for creating this class stemmed from the significant change this year in elected district attorneys throughout the state.

"With 20 plus new district attorneys, who would likely bring new chiefs to the appointed positions," said Smith, "it made sense to Mike (Ramos) that, as the President of the CDAA, the organization needed to also train their new chief investigators."

Various topics included Dimensions Commonly Found in Successful Chiefs, Understanding the District Attorney's Vision, Getting Established as the New Chief, Understanding Organizational Dynamics, and Maintaining Long Term Effectiveness.

Smith noted that the strength of the presentation was in the experiences of various presenters with significant backgrounds as leaders and managers of various agencies, large and small, throughout the state.

"Attendance exceeded the enrollment, with lots of discussion and positive feedback from those attending, or their respective district attorneys," added Smith. "And I've already received a few inquiries asking when the next course is available. There is no doubt that this training will provide a framework for the success of the new chiefs."

In the end, the terror plot was disabled and James was sentenced to 16 years in federal prison and Washington was sentenced to 22 years in prison.

“In my opinion, the JIS case was an excellent example of how federal and local law enforcement can work together to effectively disrupt and dismantle terror plots and secure our country,” said Smith. “It was an honor to work on the case and have the opportunity to discuss it before the U.S. House of Representatives Committee on Homeland Security.”

To view the hearing in its entirety, please visit C-SPAN by [clicking here](#).

What You Should Know About Sexual Exploitation

SAN BERNARDINO, Calif. – Chief Deputy District Attorney Karen Bell was recently invited by the Arrowhead United Way to speak at the Women’s Leadership Council about the local and worldwide commercial exploitation of minors and the mission of the Coalition Against Sexual Exploitation (CASE).

The following interview was conducted with CDDA Bell, who oversees the Juvenile Division for the San Bernardino County District Attorney’s Office:

What information does the public need to know about Human Trafficking in San Bernardino County?

Probably the most pressing is education of all the entities that deal with minors from parents to schools, medical personnel, counseling agencies, law enforcement, foster care parents, social workers....the list goes on and on. Anyone who has kids or comes in contact with kids should have a basic knowledge of this and what symptoms to be aware of. Of course that leads to the next step which is how to deal with it when it has happened. But education of these folks will prevent it in many instances and that is a good thing.

Describe some of the symptoms you mentioned?

Any dramatic change in a child’s behavior should be looked at by parents immediately. Usually the minor just runs away and no one has any idea where she is until she is picked up somewhere, usually for prostitution, or solicitation for prostitution. Minors are often groomed first by the pimp (the

Supervising Deputy District Attorney Michael Fermin Wins Instructor of the Year Award at Statewide Event

SAN DIEGO, Calif. – Supervising Deputy District Attorney Michael Fermin received the 2011 California District Attorney Association’s Instructor of the Year Award Thursday, June 23.

“I am very humbled to be selected,” said Fermin. “There are many wonderful instructors around the state and in our office, and it has always been a pleasure to work with them.”

Fermin received honors for work in the following areas: Trial Advocacy, Insurance Fraud, Interrogation Law and Search Warrants, Evidence, Issues in Felony Prosecution, Homicide Symposium – The Art of Closing Argument, Vehicular Homicide, and several other areas.



From left to right: Assistant District Attorney Dennis Christy, Supervising Deputy District Attorney Michael Fermin and District Attorney Michael Ramos pose following the Instructor of the Year Award Ceremony in San Diego June 23.

older guy who supplies the “goodies” and attention) and then led into the work as payback for all he has done for her. Here are just some of the symptoms that may indicate sexual exploitation:

- Minors who are gone from home at night or on weekends without explanation.
- Much older boyfriends who seem very possessive and dominant and have lots of expensive items like a car or jewelry.
- Tattoos in a private place that look more like a brand than a tattoo.
- They become secretive about phone calls or “dates” with the boyfriend.
- Sexually transmitted diseases, pregnancy, running away for short or long periods of time, missing school or arriving late and sleeping in classes.

If somebody suspects human trafficking is taking place, what should they do?

If they think it is a crime they should call their local law enforcement agency and report what they think they see. They can also call the [national hotline for trafficking](#) at 1-888-373-7888, [the national center for missing and exploited children](#) at 1-800-THE-LOST (1-800-843-5678), or the [hotline for runaway children](#) at 1-800-RUNAWAY. These resources can provide information, take information and sometimes facilitate local involvement.

For those who want more information or may want to get involved where can they go?

Those who want to be a part of this can contact Ann Michelle Ellis at (909) 383-9670. Ann is the CASE coordinator and she can direct them to a committee working on various parts of the problem, such as the education committee or speaker’s bureau or intervention or whatever they think might be of interest. They can also go online and find out more about the topic and resources and places to get involved. For more information, visit the [District Attorney’s CASE page](#).

If you would like to subscribe to the Letter of the Law, please reply to da@sbcda.org with SUBSCRIBE typed in the subject line.

What’s makes this award even more significant, said District Attorney Mike Ramos, is that it’s selected by the training consultants and executive director of the California District Attorneys Association.

“Michael Fermin brings so much to the table--experience, passion for the job of being a prosecutor, and expertise,” said Ramos. “Not only his expertise of the law, but his passion for fighting for victims.”

Ramos added that Fermin constantly rates among the highest in the state on his instructor evaluations.

“To be recognized with this honor was very humbling in light of the very devoted and passionate group of lawyers who are equally worthy to receive it,” said Fermin.

Mission Statement:

It is the mission of the San Bernardino County District Attorney’s Office to represent the interests of the people in the criminal justice system, as mandated by California State law. The San Bernardino County District Attorney’s Office serves the residents of San Bernardino County by: seeking the truth, protecting the innocent; holding the guilty accountable; preserving the dignity of victims and their families; and, ensuring that justice is done while always maintaining the highest ethical standards.



[San Bernardino County District Attorney](#)